

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION**

THIS DOCUMENT RELATES TO:

*State of California, ex rel. Ven-A-Care of the Florida
Keys, Inc. v. Abbott Laboratories, Inc., et al.*

Case No: 1:03-cv-11226-PBS

) **MDL No. 1456**
) **Master File No. 01-12257-PBS**
) **Subcategory Case No. 06-11337**
)
) **Judge Patti B. Saris**
)
) **Magistrate Judge**
) **Marianne B. Bowler**
)
)

**DECLARATION OF MATTHEW C. KILMAN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANT MYLAN'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Matthew C. Kilman, do hereby declare as follows:

1. I am a Deputy Attorney General with the California Department of Justice, Bureau of Medi-Cal Fraud and Elder Abuse. I am admitted to practice law in the State of California and have been admitted *pro hac vice* in this matter.

2. On behalf of Plaintiff State of California, I am submitting with this declaration Exhibits in support of the Plaintiffs' Opposition to Defendant Mylan's Motion for Partial Summary Judgment and as referenced in Plaintiffs' Response to Defendant Mylan's Statement of Undisputed Facts and Statement of Additional Undisputed Facts in Opposition to Defendant Mylan's Motion for Partial Summary Judgment.

3. The following exhibits are true and correct copies of the materials described:

| Exhibit No. | Description |
|--------------------|--|
| 1 | Mylan Laboratories Inc.'s Form 10-Ks filed with the United States Securities and Exchange Commission for the Fiscal Year ended March 31, 2001. |
| 2 | Mylan Laboratories Inc.'s Form 10-Ks filed with the United States Securities and Exchange Commission for the Fiscal Year ended March 31, 2002. |

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| 3 | Mylan Laboratories Inc.'s Form 10-Ks filed with the United States Securities and Exchange Commission for the Fiscal Year ended March 31, 2003. |
| 4 | Mylan Laboratories Inc.'s Form 10-Ks filed with the United States Securities and Exchange Commission for the Fiscal Year ended March 31, 2004. |
| 5 | Deposition of Roderick Jackson, taken on February 21, 2008 in the action entitled <i>Commonwealth of Massachusetts v. Mylan Laboratories, Inc. et al.</i> U.S.D.C. MA., Case No. 03-11865-PBS, selected pages. |
| 6 | Deposition of Roderick Jackson, taken on February 21, 2008, in the action entitled <i>Commonwealth of Massachusetts v. Mylan Laboratories, Inc. et al.</i> U.S.D.C. MA., Case No. 03-11865-PBS, Exhibit 3. |
| 7 | Deposition of Roderick Jackson, taken on February 21, 2008, in the action entitled <i>Commonwealth of Massachusetts v. Mylan Laboratories, Inc. et al.</i> U.S.D.C. MA., Case No. 03-11865-PBS, Exhibit 4. |
| 8 | Deposition of Brian Roman, taken on August 2, 2007, in the action entitled <i>Commonwealth of Massachusetts v. Mylan Laboratories, Inc. et al.</i> U.S.D.C. MA., Case No. 03-11865-PBS, selected pages. |

I declare of under penalty of perjury that the foregoing is true and correct.

Executed December 21, 2009, at San Diego, California.

/s/ Matthew C. Kilman
MATTHEW C. KILMAN

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on December 21, 2009, a copy of Lexis-Nexis for posting and notification to all parties.

/s/ Matthew C. Kilman
MATTHEW C. KILMAN